

STATE OF WASHINGTON
GAMBLING COMMISSION

In the Matter of the Revocation of the)	
License to Conduct Gambling Activities of:)	NO. CR 2008-02017
)	
Cheryl Gunderson,)	FINDINGS, CONCLUSIONS,
Everett, Washington,)	DECISION, AND FINAL
)	ORDER IN DEFAULT
Licensee.)	

THE MATTER of the revocation of the license to conduct gambling activities of Cheryl Gunderson having come before the Commission on July 9, 2009, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

FINDINGS OF FACT

I.

The Washington State Gambling Commission issued Cheryl Gunderson the following license: Number 68-13997, Authorizing Card Room Employee Activity formerly at Highway 9 Casino in Lake Stevens. The license expired on April 9, 2009, and was issued subject to the licensee's compliance with state gambling laws and rules.

II.

On April 8, 2009, Assistant Director David Trujillo issued administrative charges to the licensee, by personal service. The administrative charges notified Ms. Gunderson that her failure to respond would result in the entry of a default order revoking her license. The licensee did not respond to the charges.

By not responding, Cheryl Gunderson waived her right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

III.

On September 30, 2008, the licensee pled guilty to Theft in the first degree, a felony. This conviction establishes that the licensee poses a threat to the effective regulation of gaming. Additionally, the licensee has failed to establish by clear and convincing evidence that she is qualified for licensure under RCW 9.46.153(1).

The licensee was charged with Theft in the first degree on June 3, 2008. She did not report the criminal charge and conviction until December 18, 2008. This is a violation of WAC 230-06-085(1).

Therefore, under RCW 9.46.075(1), (4), and (8) and WAC 230-03-085(1), (7), and (8), grounds exist to revoke Cheryl Gunderson's license.

RCW 9.46.075(1), (4), and (8)

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein:

(1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control;

(4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, willful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;

(8) Fails to prove, by clear and convincing evidence, that he is qualified in accordance with the provisions of this chapter.

WAC 230-03-085(1), (7) and (8), Suspending or revoking a license or permit

We may suspend or revoke any license or permit, when the licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075; or

(7) Fails to provide us with any information required under Commission rules within the time required, or, if the rule establishes no time limit, within thirty days after receiving a written request from us;

(8) Poses a threat to the effective regulation of gambling, or creates or increases the likelihood of unfair or illegal practices, methods, and activities in the conduct of gambling activities, as demonstrated by: (a) Prior activities; or (b) Criminal record; or (c) Reputation; or (d) Habits; or (e) Associations.

RCW 9.46.153(1)

It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

WAC 230-06-085(1) Report criminal actions filed

(1) Licensees must report to us in writing within thirty days all criminal actions filed against the licensee, any manager of the licensed gambling activity, the business organization, or any person holding a substantial interest in the business organization.

IV.

CONCLUSIONS OF LAW


The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Cheryl Gunderson's license to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

DECISION AND ORDER

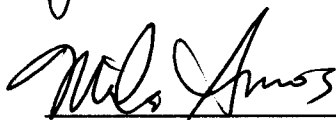
The Washington State Gambling Commission HEREBY ORDERS: Cheryl Gunderson's license to conduct card room employee activities is revoked.

DATED this 9 day of July, 2009.


KEVEN ROJECKI, Chair


JOHN ELLIS, Vice Chair


PEGGY ANN BIERBAUM


MIKE AMOS


MICHAEL REICHERT

NOTICE: RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

Motions must be mailed to:

Washington State Gambling Commission
Communications & Legal Division
PO Box 42400
Olympia, Washington 98504-2400

or delivered in person or via private courier:

Washington State Gambling Commission
Communications and Legal Division
4565 7th Avenue SE
Lacey, Washington 98503